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THE PHILIPPINES AND RECENT TARIFF LEGISLATION

By Congressman Charles G. Washburn.

An Address Delivered at Clark University during the Conference upon
the Far East.

I hope it is no impeachment of the intelligence of my countrymen when I say that I doubt if, outside of this audience, of course, one intelligent person in ten could, before the declaration of war with Spain, have correctly located, on the map, the Philippine Islands. I am sure that there was not one in a hundred who would, at that time, have contemplated with anything but disapproval the suggestion that we should acquire sovereignty over those islands, covering as they do an area over two and one-half times that of the state of New York, and with a people speaking many different dialects; and yet this result, effected in the treaty of Paris, was apparently accepted with approval by a great majority of the American people.

When we assumed control of the Philippine Islands they had been in a condition of insurrection since 1896, an insurrection not only against the Spanish government, but for the removal of the friars as a political element in the community, who held large areas of agricultural land in the thickly populated provinces, which they leased to 60,000 or 70,000 tenants. Conditions were unsettled in April, 1899, when the treaty of Paris was ratified, and guerrilla warfare continued until June, 1902. This, coupled with a disinclination of the natives to work, and dislike of the Americans, made the situation a difficult one. Meantime, in January, 1899, while the treaty was pending in the Senate, President McKinley appointed the first Philippine Commission, known as the "Schurman Commission" to investigate conditions. The Commission was able to do no constructive work, because of the condition of war then existing in the islands. It should be remembered that at one time we had more than 65,000

men under arms in the Philippines engaged in suppressing the insurrection there.

The spirit of the instructions given by President McKinley to the Commission can perhaps be best understood by the following extract from them:

In the performance of this duty, the commissioners are enjoined to meet at the earliest possible day in the city of Manila and to announce, by a public proclamation, their presence and the mission intrusted to them, carefully setting forth that, while the military government already proclaimed is to be maintained and continued so long as necessity may require, efforts will be made to alleviate the burden of taxation, to establish industrial and commercial prosperity, and to provide by such means as may be found conducive to these ends. . . . It is my desire that . . . the commissioners exercise due respect for all the ideals, customs, and institutions of the tribes which compose the population, emphasizing upon all occasions the just and beneficent intentions of the government of the United States.

The President then expressed the hope that the commissioners may be received in a manner due to them as "bearers of the good will, protection, and the richest blessings of a liberating rather than a conquering nation."

In February, 1900, a new Commission was appointed, of which Mr. Taft was chairman, for the purpose of organizing civil government. The Commission reached the islands in June and assumed full authority on September 1, undertaking the duty of enacting legislation in such parts of the islands as were not at war and making appropriations from funds raised by taxation for civil purposes. Between November, 1900, and April, 1902, the Commission visited every portion of the archipelago, established civil government in 37 provinces and in 800 municipalities, in which the people elected their own officers, and, within certain limitations established by law, fixed their salaries and determined the amount of their taxes. Upon the reelection of Mr. McKinley, the Federal party was organized, upon a platform of peace under American sovereignty, in the belief that the islands would be governed for the benefit of the Filipinos, and that popular government would be gradually extended to the people. With the coöperation of this party, the Commission organized civil government in substantially all of the provinces.

July 1, 1901, military government was declared to be ended. Upon the appointment there of the civil governor, the Commission consisted of the governor, four other Americans and three Filipinos. The number has since been increased to nine. In addition to the legislative work each American commissioner was at the head of one of the departments of finance and justice, interior, commerce and police, and public instruction.

Peace was officially declared to exist by President Roosevelt's proclamation of amnesty of July 1, 1902, the date of the organic act passed by Congress: "To provide for the administration of the affairs of civil government in the Philippine Islands."

This act provided that within two years after the completion of a census, to be taken when peace should be completely established and continued, a general election should be had for the choice of delegates to a popular assembly, to be known as the Philippine Assembly.

Under the military administration, civil courts had been established, and the Commission passed a law dividing the islands into fifteen districts, establishing a court of first instance in each district, and a supreme court of seven. A Filipino was appointed chief justice of this court, with two Filipino and four American colleagues. This act of the Commission was confirmed in the organic act, and an appeal was provided to the Supreme Court of the United States. For the purpose of suppressing lawlessness, the Philippine constabulary was organized, consisting of 5,000 Filipino men, officered by Americans, who act as a police force to aid the local officers.

Reference has been made to the friars and their ownership of land. These lands, amounting to 425,000 acres, were owned by three of the religious orders; the Dominicans, the Augustinians, and the Recoletos. Their tenants numbered 60,000 or 70,000 persons. These lands were appropriated to the republic of the Philippines by the constitutional convention, which was called into existence by Aguinaldo. When order was restored and the courts established, the religious bodies were enabled to go into court to recover

from tenants the rent which had been in arrears since 1896, and, in case of non-payment, to eject the tenants from the land. The tenants were inclined to resist, and a serious condition confronted the Philippine government. It was happily relieved of its difficulty by the purchase of the land by the government for \$7,000,000.

Another perplexing question involving an extended examination was the claim for damages by the Roman Catholic Church for the occupation and destruction of property by the United States troops. This involved the payment to the archbishop of Manila in the Philippine Islands, as the representative and trustee of the Roman Catholic Church, the sum of \$403,030.19 in full satisfaction of all claims for use and occupation of the property of said church in said islands, and for damages done thereto by the military forces of the United States prior to January 15, 1906. Involved in the settlement of this claim was the judicial determination of the fact that the right of possession and control of these properties, exercised by the Roman Catholic Church prior to 1898, was complete.

The Philippine problem has been made more difficult because of the fact that the people as a whole are ignorant. Only seven per cent of them speak Spanish, the remaining 93 per cent speak 16 different dialects. Much has been done in establishing a common-school system, and the schools are conducted in English. Early in our control, 1,000 teachers were sent from the United States. The work is under the charge of the Bureau of Education, and there are now 3,687 schools, primary, intermediate, arts and trades, agricultural, domestic science, and provincial high schools. There are something over 700 American and 6,000 Filipino teachers engaged in this work. The enrollment of pupils is about 400,000.

Section 5 of the organic act of July 1, 1902, provides: That no law shall be enacted in said islands which shall deprive any person of life, liberty or property without due process of law, or deny to any person therein the equal protection of the laws.

These guaranties include all those of the Federal Constitu-

tion excepting the right to bear arms and trial by jury. The writ of habeas corpus runs without obstruction; the liberty of the press and freedom of speech is complete.

The Philippine Assembly, numbering 80 members, and guaranteed in the organic act of 1902, met October 16, 1907. This Assembly must contain not more than 100 and not less than 50 members, apportioned by the Commission among the provinces according to population. The Philippine legislature consists of two bodies, the Commission and the Assembly. Before the elections to the Assembly, there had sprung up various parties. The *partido nacionalista progresista*, which believed that the people were not ready for immediate independence was the conservative party. Then there were the *partido nacionalista inmedatista*, *partido nacionalista urgentisimo*, *partido nacionalista explosivista*, all immediate independence parties of varying degrees of insistence, as suggested by the names. The conservatives were known as *progresistas*, and those for immediate independence as *nacionalistas*. Of the 80 members of the Assembly, 16 were *progresistas*, 30 were *nacionalistas*, and 20 were *independientes*, who had not committed themselves upon the question of immediate independence, and the rest scattered among various shades of opinion.

The two commissioners to the United States chosen by the legislature, as provided for in the organic act, were Mr. Benito Legarda, a *progresista*, and Mr. Pablo Ocampo, a *nacionalista*. These commissioners have seats in the House of Representatives and the right of debate.

The chief products of the islands for export are Manila hemp, sugar, copra or dried cocoanut meat, and tobacco. Rice is also produced and is the staple food of the people. The land suitable for sugar is not as good as that in Cuba; and wrappers from Sumatra or the United States are necessary in the manufacture of cigars. It is not likely that either of these industries will increase beyond the point reached in earlier times when the highest export of sugar amounted to 265,000 tons.

In the tariff bill which became a law on August 5, 1909, it was provided that there should be levied upon all articles

coming into the United States from the Philippine Islands the same rates of duty paid upon like articles imported from foreign countries, excepting, with certain limitations, that all articles the growth or product or manufacture of the Philippine Islands, excepting rice, shall be admitted into the United States free of duty and also excepting in any fiscal year sugar in excess of 300,000 gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000. In consideration of this, all articles, with certain limitations, the growth, product or manufacture of the United States are to be admitted free of duty into the Philippine Islands.

There appears now to be objection on the part of the Filipinos to free trade with the United States.

Mr. Legarda, one of the Filipino commissioners, in a speech in the House of Representatives on April 3d last, said that the internal revenue law, enacted with a view to provide revenue in anticipation of the time when a portion of the customs revenues should be lost through free trade with the United States, drew in the way of taxes greater sums than were justified by the economic condition of the islands, and that in order to get the surplus into circulation, pending the establishment of free trade with the United States, the Philippine government made continuous appropriations for public works, which cannot now be abandoned without doing great injury to the public interests. He said that the production of sugar is only about one half what it was during the latter years of the Spanish régime, and that it can be increased only as the result of great effort. In speaking of the free market afforded, to a limited extent, in the United States to Philippine sugar, he says that it will result not in largely increasing imports into the United States, but to an increase in the price in China, the natural market for Philippine sugar, and that the same thing is true of Philippine cigars. Mr. Legarda thinks that, had the proposition for reciprocal free trade been made before the Philippine Assembly was created, no opposition would have been made to it,

but that now they take a different view, because of the fact that the free entry of American products will create an estimated deficit of \$2,500,000 annually, and that no way is now seen in which to make up this deficit. He is of the opinion that it would have been better if instead of free entry without limit of American products, such free entry had been confined to agricultural machinery and other articles of prime necessity needed for the agricultural and industrial development of the islands.

In closing his speech, Mr Legarda said:

The Filipino people are not ungrateful for what the American government has accomplished and is accomplishing for them in those islands. In several respects the laws which govern the Filipino people are superior even to the laws in some of the most advanced states of this union.

We have a superior system of laws regarding coinage and weights and measures, and we have practically banished from the islands the curse of opium and drug-using. We have in operation a most satisfactory system of postal-savings banks and an agricultural bank, and, as I said before, in these and several other respects the Filipino people have reason to be and are grateful to the American government in those islands.

The Congress of the United States has always been inspired in its acts by principles of justice and wise equity. Especially has it demonstrated its generosity and liberality when the interests of the poor and the weak were at stake. The Filipino people believe that, coming before this Congress with a just cause, they will receive the same measure of equity as that which the American people, through their representatives in this Congress, have always, in the past, conceded under similar circumstances.

My firm conviction has always been, and remains to this day, unshaken that a prosperous and happy future smiled on the Philippine Islands from the moment that the Americans planted there the flag which represents liberty, progress, and civilization.

Mr. Ocampo, the other commissioner, who made a speech at the same time, and who is in favor of independence of the islands within a fixed time, expressed the opinion that free trade would be disastrous to the islands, because it would cut off the customs receipts, which constitute the greater part of the revenue. He said, in part:

The internal revenue taxes in force in the islands cannot be increased without making them odious to the taxpayers, who, having undergone all sorts of calamities through which the economic

conditions of that country have been subjected for the past ten years, are already exhausted and unwilling to be taxed any more. On the other hand, the budget of the Philippine government cannot be radically decreased, for reasons obvious to the upper branch of the Philippine legislature. The Assembly, in its initial session, undertook to reduce the appropriations of the insular government interpreting thus the long-felt wish of the people; but little was accomplished when finally the appropriation bill came from the upper house. The reason that has always been alleged in opposition to reforms of this kind is that the reduction of the high salaries paid to American officials would involve the risk of the government not having competent men to serve in the administration of the islands. This fear ought not to exist, for the Filipinos are capable of holding responsible positions at much less salary than that paid to Americans, were the government only to do complete justice to the native, who, in whatever position he may have been placed, has always proven that he knows his business.

As bearing upon this subject, I may add that the average salary paid to the Filipino is about \$37.50 in gold per month, and the average salary paid to the American officer and employe in the Philippines is about \$130 per month. On the first day of January, 1908, there were in the service 6,559 officers and employes, of which 2,479 were Americans and 4,080 were Filipinos.

Both the commissioners were speaking in support of the resolution of the Philippine Assembly in opposition to free trade between the islands and the United States.

In closing his speech, Mr. Ocampo said:

If really the retention of the Philippines is not done with the object of exploiting them, but to uplift and liberate them, as heretofore admitted by the American people and believed in good faith by the Filipinos, this House of Representatives should not pass section 5 of the Payne bill, which provides for a free trade between this country and the Philippines. The only reciprocity we ask is that our sugar and tobacco be admitted here free of duty, even to the limited quantities set forth in the bill, and in exchange allow all agricultural machinery and implements of United States manufacture free admission into all ports of the Philippine Islands.

After the Philippine Islands become independent, free trade would be more advantageous to both countries. The United States would be able then to reimburse herself, through the commerce that would be established between the two countries, for all the expenditures consequent upon the occupation of the islands, and the Filipinos would be in a better position to develop the resources of their country. Therefore, taking advantage of this

opportunity offered by the close connection of the political aspect which the question bears upon its economic viewpoint, I ask in the name of my people—better still, I request in the name of the 8,000,000 inhabitants of the Philippines—imploping in the most respectful attitude, that Congress adopt a resolution granting to the Philippine Islands their independence, if not now, at least after a definite number of years. In this way the American people will sanctify the noble work of liberating the Philippines as it liberated Cuba and other countries.

I have dwelt at some length upon the views expressed by these two men because they possess peculiar interest as coming from the representatives, acting under instructions from the Philippine Assembly, of the people whose welfare has been entrusted to us.

The question is frequently asked, “What do the Philippines cost us?” It is a question more easily asked than satisfactorily answered. In reply to a recent inquiry, the War Department has informed me that no compilation has ever been made of expenditures out of the United States treasury on account of the Philippine Islands. Such expenditures have been made by many different bureaus of several different departments of the government, and in the case of a great many expenditures it would be impossible to say what part of them, if any, should be chargeable to the Philippine Islands. Since the occupation of the Philippine Islands the military forces of the United States have, in addition to performing their usual functions in the United States during times of peace, operated in Cuba, Porto Rico, Hawaii and China, and War Department accounts have not been kept in such a manner as to show what part of the cost of maintaining the army is properly chargeable to the Philippine Islands.

It is also impossible to ascertain what part of the increase in our naval establishment is due to the retention of the Philippine Islands by the United States. Mr. Taft, then the Secretary of War, in his special report of January, 1908, said that, excluding the cost of the war, the cost to the United States of remaining in the islands is about \$5,000,000 a year. This would be exclusive of the expense of fortifying the bay of Manila, the port of Iloilo and the port of Cebu, necessary

to withstand the attack of an enemy upon the islands, and which, as the Secretary said, may reach a total of \$10,000,000. He contended, however, that this should not be charged to the Philippine policy, as we should need to maintain and fortify coaling stations in the Orient, whether we have the Philippines or not.

If the entire cost of the 12,000 troops now in the islands should be charged there, it would amount to \$12,000,000 annually. The 5,000 Philippine scouts would cost \$1,000,000 more, and transportation to and from the islands and among the islands might amount to \$3,000,000 more. The opinion has been expressed that, if we did not possess the Philippines, our naval budget might be cut down \$25,000,000 a year, and our cost of repairing battleships and support of a navy yard there has been estimated at from \$2,000,000 to \$4,000,000 annually. Without pursuing the subject further, it is perhaps fair to say that the expense of holding the Philippines would be stated by an advocate of the existing policy at not to exceed \$5,000,000 a year, while a critic of that policy might contend that directly and indirectly it involved an expenditure of \$40,000,000 a year, more or less.

The question of whether our Philippine policy is wise or unwise is now purely academic. We have assumed certain responsibilities. We must discharge them in a way which will satisfy our own consciences and which will commend itself to the judgment of the civilized world. I do not find in Congress a very lively interest in the subject. The Committee on Insular Affairs, of which I was a member in the 60th Congress, had but one matter of great importance before it, and that was the settlement of the claims of the Roman Catholic Church to which I have referred. What we must be careful to do is to maintain the high character of the men we send to the Philippines, and to strive to keep in sympathetic touch with the needs of that distant people, numbering upwards of 7,000,000.

Intelligent legislation will be had, but only in response to the demands of an intelligent public sentiment. The essential condition to the successful operation of a government like ours is that the people, who are the ultimate arbiters of all

public questions, shall form correct opinions. To this end discussion is essential, and for this reason every means for promoting it should be encouraged.

This is particularly true of conferences like this, under the patronage of a great institution of learning, where only the truth is sought, whose seal bears the inspiring words "*Fiat lux*," with the rays of the sun above shining upon the open book below. It is a most hopeful sign, and one full of promise, that the activities of our learned men are no longer exclusively absorbed, as in earlier days, in the study of the humanities—important and alluring as that subject is—but, in part at least, are directed to a solution of the social, political and economic problems which must be dealt with if any intelligent progress is to be made.